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FACULTY GOVERNANCE IN TURMOIL--WHO SPEAKS FOR THE JUNIOR COLLEGE PROFESSOR.

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INCREASING TEACHER MILITANCY AND UNREST HAVE ATTRACTED NATIONAL ATTENTION TO THE PROBLEM OF FACULTY PARTICIPATION AND VOICE IN GOVERNANCE. IN THE JUNIOR COLLEGE, COMPETITION FOR MEMBERS OF FACULTY ORGANIZATIONS IS INCREASING, AND THIS HETEROGENEITY HAS CAUSED LEADERS TO SEARCH FOR EFFECTIVE MEANS OF FACULTY SHARING IN GOVERNANCE. IN CALIFORNIA, TWO BASIC METHODS OF SUCH PARTICIPATION ARE (1) THE ACADEMIC SENATE, COMPOSED OF NONADMINISTRATIVE STAFF MEMBERS AND HAVING NO EXTERNAL CONNECTIONS OR LOYALTIES, AND (2) THE NEGOTIATING COUNCIL, WITH REPRESENTATION PROPORTIONAL TO MEMBERSHIP IN PARTICIPATING ORGANIZATIONS. THE LEGISLATION ESTABLISHING THE NEGOTIATING COUNCIL PROHIBITS COLLECTIVE BARGAINING BY CALIFORNIA TEACHERS. LEGISLATIVE ACTION IS NEEDED TO CLARIFY THE ROLES OF NEGOTIATING COUNCILS AND ACADEMIC SENATES. THE CALIFORNIA JUNIOR COLLEGE FACULTY ASSOCIATION URGES EXCLUSION OF JUNIOR COLLEGES FROM THE LEGISLATION REGARDING NEGOTIATING COUNCILS AND ESTABLISHMENT OF THE SENATE AS THE FACULTY VOICE AT THE LOCAL LEVEL, WITH THE PROFESSIONAL ORGANIZATION SERVING IN THIS FORMATION AT THE STATE AND NATIONAL LEVEL. (WO)

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WHO SPEAKS FOR THE JUNIOR COLLEGE PROFESSOR?

The fall of 1967 reaped the harvest of teacher unrest sown in the preceding two years. Discontent with salaries, working conditions, and lack of representation in the formation of school policy brought thousands of teachers into open conflict with their governing boards.

> "In city after city, teachers are on the picket line. Pay is the big complaint -- but close study reveals far more at stake than meets the eye.
>
> "A teacher revolt is breaking into the open across much of the nation -- disrupting the start of another school year, and raising big questions about standards of pay for U.S. teachers.
>
> "In the first weeks of September, more than 600,000 students found school doors closed on opening day because of teacher walkouts. Elsewhere, the same prospects confronted an additional million or more youngsters.
>
> "Altogether, at least 40 communities are involved in the wave of teacher discontent over pay and working conditions." (2 - 54)

This reaction by teachers was not spontaneous, but rather the final eruption of a festering education boil that has lingered close to the surface for the last two years. Evidence of the scope and degree of the unrest was indicated in a June, 1965 article in the Wall Street Journal which stated:

> "School teachers - once regarded as 'underachievers' in the labor movement - are rapidly moving to the head of the class in collective bargaining.
>
> "Teachers in Dade County (Miami), Fla., recently won recordbreaking wage boosts of $550 to $1,490 a year in their first negotiating effort. Cicero, Ill., teachers a few weeks ago not only won salary increases but also convinced school authorities to fully underwrite a $10,000 major medical insurance policy for each instructor. The New Rochelle, New York, school board recently bowed to the determined demand by its teachers that they get up to a month off with full pay if they are injured by an assault of a pupil.

"Such gains generally reflect an increasing militancy being shown by teachers on the question of payiscales and working conditions. No longer content with negotiating such matters on an individual basis, they are swiftly banding together and making strong organized efforts to back up their demands. It's estimated that some 25% of the nation's teachers this year had their contracts negotiated by teachers organizations, up from less than 5% only five years ago. Education authorities say that if this year is any indication the push to organize is sure to accelerate." (5 - 1)

Nowhere is the problem of faculty governance and representation more complex and unsettled than in the California junior colleges. Pasadena City College in 1966-67 served as a classic example of the extent of this complexity. There were seven faculty groups actively soliciting members and two of these (AAUP and the Faculty Association), representing the faculty on a Negotiating Council. This heterogeneous mass of voices has led many educational leaders to seek escape from this organizational tower of babel and to search for a more efficient and effective means of faculty representation in junior college governance. Dr. John Lombardi, Assistant Superintendent of Schools and head of the Los Angeles Junior College System, summarizes the problem and points in the direction of a possible solution when he states:

"Among other effects of junior colleges growth is forcing accomodation to a new concept of the rights of faculty in the governance of our colleges. Academic senates and negotiating councils are just the beginning of the process. In time, unless collective negotiation succeeds, collective bargaining will supersede it. The right of teachers and public employees to strike is getting wider acceptance, in fact, if not in theory. The strict New York law prohibiting public employees to strike has had indifferent success. In California, social workers have struck with relative impunity. Last year, the Henry Ford Community College faculty struck for higher wages; the first walkout in a junior college. This year Chicago Colleges teachers struck. Michigan also has a law banning strikes by public employees. Is Secretary of Labor Willard W. Wirtz correct when he stated that the management doctrine of public employers is reminiscent of the 'divine right of kings' theory, that administrators are taking on the role formerly held by kings?

"The trend toward increasing 'The identification of the junior colleges and the faculties therein with the activities and responsibilities of the community of higher education' has raised and will continue to raise issues for administrators. Faculties are asking for more participation in policy making. Where administrators are blocking participation, the faculties are seeking it through faculty organizations and by legislative action.

"The identification with the community of higher education has already been made by faculties. They look to their university colleagues with academic senates as their guide. Moreover, it would be strange indeed if junior college faculties remained more docile than the elementary and secondary school teachers who have been using strikes, sanctions, collective bargaining negotiation techniques in dealing with their boards and superintendents." (6 - 3)

The current status of faculty governance in junior colleges is still unclear, but appears to be heading towards a climax which may resolve the problem at least temporarily. There are currently three basic methods of organizing the faculty so that they might enter into some formal governmental structure through which they can interact with the Board of Trustees and administration.

1. <u>The Academic Senate</u> for California Junior Colleges was initiated with the passage of Assembly Concurrent Resolution No. 48 passed by the State Assembly on May 1, 1963 and the State Senate on May 21, 1963. The resolution provided for the established of an Academic Senate or Council to be formed in each junior college. The resolution was incorporated into Section 131.6 of Title V of the California Administration Code in 1964 and strengthed through amendment by the State Board of Education in the spring of 1967.

2: <u>The Negotiating Council.</u> The Winton Act, Assembly Bill 1474, was passed by the legislature and incorporated into the Education Code in 1965. This law established the Negotiating Council as a means of employee negotiation with the local boards of education for salaries, fringe benefits, and other conditions of employment.

3. Collective Bargaining. Although collective bargaining is provided for in the California Labor Code, it does not apply to teachers in the first twelve grades and junior colleges because it is specifically prohibited by that section of the Education Code that incorporates the Winton Act.

The stage has been set for a possible show-down in the 1968 session of the California Legislature between the forces supporting the Academic Senate vs. the Negotiating Council. A recent article in C.T.A. Action sums up the situation as follows:

> "Next year's session of the California Legislature is virtually certain to involve attacks on the Winton Act, a 1965 statute which governs the relationships between school district boards of education and their employees.
>
> "A recent hearing on the subject in San Diego by the Assembly Interim Committee on Education disclosed that some legislators may favor such changes.
>
> "Opposing amendments on the basis that the Act has not had sufficient time to prove its usefullness will be the California School Boards Association which strenuously opposed the act in 1965 but has since changed its views; the CTA, which sponsored the act; and the California Junior College Association, made up of the board members, administrators and faculty of the 80 junior colleges.
>
> "A spokesman for the California Junior College Faculty Association urged an amendment to the Winton Act to exclude junior colleges from its provisions.
>
> "He said the Act has tended to cloud the position and obscure the function of the junior colleges' faculty senates, particularly in the area of educational policy determination.
>
> "CJCFA favors establishment of the senates as 'the faculty voice' and so declined to participate in the negotiating councils set up in the Act, according to the spokesman, William P. Smith.
>
> "Negotiating Councils are provided for in districts with more than one employee organization. Membership on the five or nine-member council is proportional to membership of the participating organizations.
>
> "The proportional membership provision has drawn the most fire from opponents of the Act.

> "CJCFA, in lieu of junior college exclusion from the Act, would favor a faculty election to choose council members. So would the American Federation of Teachers, AFL-CIO, if they cannot obtain outright repeal of the Act." (4-1,3)

In the midst of all this controversy, where is the best solution? How can the best interests of the faculty be identified and incorporated into the policy-making machinery of institutional government? V.O. Key in his book Politics, Parties, and Pressure Groups, points out some perimeters for guidance in developing an effective form of governance:

> "Representation does not consist solely in serving as a conduit for sentiments already in existence among the members of a group. Antecedent to the expression of group views is a process of creation of those views. Associations--or their committees--engage in extensive study and discussion in reaching decisions on their program for legislation. By this process differences are ironed out and the association can approach the public and the government with a united front. Reconciliation of differences within interest group facilitates the work of legislatures and of Congress by reducing the number of conflicts with which they have to deal, as well as by giving the government an authoritative statement of the group position. Government is then left with the task of ironing out conflicts between opposing groups." (1-143).

Key appears to be suggesting that the governmental structure provide a mechanism for debate, a forum for conflicting ideas, so that some type of consensus can be developed that would be most representative of the total group. In applying this model to the possible types of faculty governmental structures identified earlier, the following conclusions appear to be valid.

INTERNAL SYSTEM

The academic senates as defined in Title V, Section 131.6 is made up of all certificated staff members who do not perform a function for the college that requires an administrative or supervisory credential. This then defines a group that is usually considered the faculty in institutions of higher education. The senate is not a group with external connections, therefore it is not bound by external policies. It is locally structured, controlled, and operated.

Because it is locally oriented, made up of all the faculty and not affiliated with external organizations, it can function in the role of a broadly-based democratic organization which can listen to the point of view of all representative pressure groups and then act in the best interest of the total group.

The following concepts relating to the academic senate were presented by the American Association for Higher Education,

> "First, we assert that systematic procedures for faculty representation are essential to maintain or improve the quality of higher education in the United States. Second, we believe that this objective can best be achieved by shared authority through an active internal organization, preferably an academic senate. The senate can most effectively give expression and effect to the professional values and competence of the faculty. It can provide a forum for the resolution of a wide range of issues involving the mission and operation of the institution. It is most likely to cultivate the use of rational persuasion. And it can draw support from, or relate its activities to, a variety of external associations, depending on need." (7-56,57)

> "The concept of shared authority connot be operational unless the faculty can influence basic decisions that condition its professional role. In this respect, there should be no fixed limits on the substantive scope of the senate's deliberations. Clearly, questions of educational policy and administration such as curricula, degree and requirements, scholastic standards, and academic freedom should be systematically considered by the senate or its designated committees." (7-57)

> "In other broad educational and administrative areas the senate should be involved with the administration on a collaborative or shared basis at an early stage of the decision-making process. Issues in this category include admissions policies; changes in the mission of the institution; rules governing student behavior; policies regarding public questions which effect the role of the institution, such as contracts with government agencies; and the appointment of administrative officers." (7 - 58)

> "The right of senate participation, on a shared basis, should also extend to the determination of the over-all budget of the institution or comprehensive system. The administration retains the repsonsibility for the initial formulation of the budget, but faculty opinion should be reflected in the process and the senate should be involved at an early stage of review." (7-58)

> "Generally, faculty patticipation should begin at the lowest possible level in order to retain close contact with the problems encompassed by each issue." (7-59)

EXTERNAL SYSTEMS

The negotiating council and collective bargaining are based on the idea that members of external organizations vie for faculty support by representative voting. With collective bargaining the faculty would have to select by secret ballot one organization to represent the total group. The group winning the election would obviously seek to promote its best interest at the expense of the minority. With the negotiating council cocept, the faculty votes for a proportional form of representative government. This can result in two or more professional organizations having seats on the council with the conflict between groups continuing into the negotiating sessions. In the situation where a minority group wins only one seat,it can never have a motion seconded without consent of the majority group.

Both of these structures are based on the adversary system which leads to sharp division between the faculty and administration and also between faculty groups. These systems are divisive and lead to conflict of interest, particularly a conflict between what is best for the faculty on a particular campus or what is in the best interest of the external organization. In the final analysis there is little choice between collective bargaining and collective negotiations.

Dr. John Elliott, President of the Southern California Conference AAUP, in a statement made before a committee of the Board of Trustees of the California State Colleges, stated:

> "One alternative route or method for greater faculty participation in university and college governance is that of academic labor unions and collective bargaining. As currently defined this method has four central characteristics:

A. It is based upon the principle of exclusive representation by an external agent.

B. whose main experience has been in primary and secondary education and in industry.

C. who proposes the use of the strike as the ultimate weapon, and

D. who proposes a separation of policy affecting the economic well-being of faculty from academic policy in general.

"Academic enterprise has a number of features which distinguish it from business or industrial enterprise and which thereby makes the labor union, suitable in the context of the business community, unsuitable or less appropriate than joint faculty-administration-governing board action in the academic community. These features are:

A. A university or college is <u>not</u> 'in business'. It does not produce and market a product for the purpose of making a profit.

It is a community --- of scholar-teachers and their associated students --- which exists to discover, develop, augment, preserve, and transmit knowledge, and to foster creative capacities. Its business is intellectual.

B. Professors are <u>not</u> ordinary employees.

They <u>are</u> professionals, with a professional concern and responsibility for the development of higher education and a professional right to participate fully and effectively in the development.

C. Students are <u>not</u> customers.

They <u>are</u> apprentice-scholars whose intellectual development and personal growth is a fundamental moral responsibility of faculty.

D. Academic administrators and governing boards are <u>not</u> business managers.

They <u>are</u> an integral part of the academic enterprise, and receive moral power from the academic community which they serve.

E. The relation between faculty, administrations, and governing boards is not antagonistic.

It is or must be one of mutual academic enterprise for the common good and well being of the academic community." (3-1,2)

As the drama moves towards its ultimate end, what would appear to serve as the best conclusion for the final act? The facts are clear: first,

to eliminate the divisive effect of internal conflict, the faculty must be represented by a single body that is open to the ideas of all representative faculty groups. Secondly, the external professional education group exists, they will persist and they play an important role in the external relationships between the faculty as a particular group and faculties in general at the state and national level.

The booklet "Faculty Participation in Academic Government", suggests a compromise solution utilizing the strong features of both the internal and external systems.

> "The comprehensive role of the senate does not preclude active relations between the senate and external associations. As indicated earlier, the external organizations can carry out many useful functions that support and complement the activities of the academic senate. In order to realize the specific advantages of each form of organization, however, the leadership of each body must appreciate and emphasize elements of collaboration and mutual support rather than competition. The elements of collaboration and support fall into two general categories: technical services and dispute settlements.

TECHNICAL SERVICES

> "... external organizations, especially the systemwide and national associations, can provide many useful services.
>
> "First, they can provide technical information concerning the organization and operation of an effective senate.
>
> "Second, the association can establish communication channels among the senates at different institutions or in different statewide systems.
>
> "Third, external associations can offer special information regarding particular substantive issues."

FACILITATING DISPUTE SETTLEMENT

> "When a controversy develops, the associations, especially those with national prestige, can offer the services of a mediator to help the parties reach a mutually satisfactory settlement.

"In the political area they can augment the presentation of faculty groups in state systems where the dispute involves the super board or the legislature....

"educational sanctions can be used effectively only if they are involked or supported by the national associations. Black-listing, efforts to obtain the withdrawal of accredaitation, and censure must have wide support in order to be consequential." (7-61, 63)

The answer to the question of who speaks for the junior college professors would appear to be more voices. The answer to the question of who should speak for junior college professors appears to bw two-fold; one, the academic senate at the campus level and two, the professional educational organization at the state and national level.

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